

## Fwd: Here is Brian Kane's conclusion on the BSU President's Newsletter regarding scholarships



Fred Birnbaum <[fred@idahofreedom.net](mailto:fred@idahofreedom.net)>

7/11/2019 4:04 PM

To: Fred Birnbaum Bcc: [precinct63@gmail.com](mailto:precinct63@gmail.com)

The AG didn't provide a great answer, more of a recitation of the Idaho Code section. However the legislature can change the definition of residency for tuition purposes.

----- Forwarded message -----

From: Senator Chuck Winder <[cwinder@senate.idaho.gov](mailto:cwinder@senate.idaho.gov)>

Date: Thu, Jul 11, 2019 at 12:36 PM

Subject: Here is Brian Kane's conclusion on the BSU President's Newsletter regarding scholarships

To: [fred@idahofreedom.net](mailto:fred@idahofreedom.net) <[fred@idahofreedom.net](mailto:fred@idahofreedom.net)>

My read is that it likely would require legislative action based on the definitions of "resident" for tuition purposes—and perhaps Board action as well. It could additionally require Congressional Action based on the "lawful presence" determination that may need to occur.

From: Senator Chuck Winder [mailto:[cwinder@senate.idaho.gov](mailto:cwinder@senate.idaho.gov)]

Sent: Thursday, July 11, 2019 11:42 AM

To: Kane, Brian <[brian.kane@ag.idaho.gov](mailto:brian.kane@ag.idaho.gov)>

Cc: White, Kimi <[Kimi.White@ag.idaho.gov](mailto:Kimi.White@ag.idaho.gov)>

Subject: RE: President's Letter – Campus Efforts on Diversity, Equity and Inclusion

Thanks very much for looking into this for me.

So is your conclusion that the State Board of Education would have to take an affirmative action for this to actually happen?

Chuck

From: Kane, Brian <[brian.kane@ag.idaho.gov](mailto:brian.kane@ag.idaho.gov)>

Sent: Thursday, July 11, 2019 11:23 AM

To: Senator Chuck Winder <[cwinder@senate.idaho.gov](mailto:cwinder@senate.idaho.gov)>

Cc: White, Kimi <[Kimi.White@ag.idaho.gov](mailto:Kimi.White@ag.idaho.gov)>

Subject: RE: President's Letter – Campus Efforts on Diversity, Equity and Inclusion

Hi Senator Winder,

This e-mail is in response to your inquiry regarding DACA students and the Opportunity Scholarship. The Idaho Opportunity Scholarship is established in statute. Idaho Code, Section 33-4303(1)(c) sets forth the statutory requirements for eligibility:

(c) "Eligible student" means a student who:

- (i) Is an Idaho resident as defined in section 33-3717B, Idaho Code;
- (ii) Has graduated or will graduate from an accredited high school or its equivalent in Idaho as determined by the state board;
- (iii) Has enrolled or applied to an eligible Idaho postsecondary educational institution;
- (iv) Is a postsecondary undergraduate student who has not previously completed a baccalaureate (bachelor's) degree or higher; and
- (v) Meets need and merit criteria as set by the state board.

"Eligible student" also means a student who has met the eligibility requirements and was awarded an opportunity scholarship prior to June 30, 2014. Continued eligibility shall be based upon the eligibility requirements at the time of the original award.

Determination of residency for tuition purposes is established in statute. Idaho Code, Section 33-3717B(1) and (2) provide the requirements for various pathways to establish Idaho residency for tuition purposes. Idaho Code, Section 33-3717B(3) provides that:

Determination of residency for tuition purposes is established in statute. Idaho Code, Section 33-3717B(1) and (2) provide the requirements for various pathways to establish Idaho residency for tuition purposes. Idaho Code, Section 33-3717B(3) provides that:

3) Notwithstanding the provisions of subsections (1) and (2) of this section, the following students shall be considered nonresidents for tuition purposes:

(a) A student attending an Idaho public institution of higher education with financial assistance provided by another country or governmental unit or agency thereof. Such nonresidency shall continue for twelve (12) months after the completion of the last semester for which such assistance was provided.

(b) A student who is not a United States citizen, unless lawfully present in the United States.

“Lawful presence” in the United States is detailed Idaho Code, Title 67, Chapter 79 (Restrictions on Public Benefits). Idaho Code, Section 67-7903 details the process for verifying “lawful presence.”

The basis for the quoted statement from Interim BSU President Schimpf is unclear. The Board of Education has not issued an invitation to DACA students to apply for the Opportunity Scholarship. Thank you for the opportunity to follow up on this matter. Please let me know if our office can be of further assistance.

I hope that you find this information helpful.

Brian

Senator Chuck Winder

Majority Leader

5528 N Ebbetts Ave.

Boise, Idaho 83713

OR

## DACA students and Oppty Scholarships



Fred Birnbaum <fred@idahofreedom.net>

6/18/2019 3:15 PM

To: Dorothy Moon; Andrew & Heather Scott; Barbara Ehardt; Chad Christensen; John Green; julianne@youngforid... ✓

All:

(From Financial Aid - national website)

DACA students are defined as a subgroup of these undocumented students who have received Deferred Action for Childhood Arrivals (DACA). The U.S. Citizenship and Immigration Services (USCIS) defines "deferred action" as "a discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion. For purposes of future inadmissibility based upon unlawful presence, an individual whose case has been deferred is not considered to be unlawfully present during the period in which deferred action is in effect. An individual who has received deferred action is authorized by DHS to be present in the United States, and is therefore considered by DHS to be lawfully present during the period deferred action is in effect. However, deferred action does not confer lawful status upon an individual, nor does it excuse any previous or subsequent periods of unlawful presence. Under existing regulations, an individual whose case has been deferred is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate "an economic necessity for employment." DHS can terminate or renew deferred action at any time, at the agency's discretion." -----

Greg Hahn from BSU provided this answer to Wayne.

Here is what I have for you on the DACA question:

Under federal law, DACA students are considered "lawfully present" in Idaho. And under Idaho Code, a student who is "lawfully present" and meets state academic and residency requirements is eligible for Idaho resident tuition rates and Opportunity Scholarship dollars. Opportunity Scholarship awards are determined by the State Board of Education and its staff and not by individual institutions. In addressing under-served student populations and encouraging them to seek educational opportunities, President Schimpf may have identified specific communities by name, including Idaho DACA students, but his intention is and remains for all eligible Idahoans to seek access and opportunity for advanced education and a better life.

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By the way Schimpf only mentioned DACA students in the context of the Oppty Scholarships - you can check for yourself.

Fred Birnbaum

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Boise, ID 83725

## BSU and direction on the University



Fred Birnbaum <fred@idahofreedom.net>

6/6/2019 10:44 AM

To: Dorothy Moon; Priscilla Giddings; Barbara Ehardt; Chad Christensen; Christy Zito; John Green; julianne@youngforidahohouse.com

All:

An ally at BSU has been keeping my posted about the direction of BSU and the promotion of "diversity" stuff. He recently sent me the newsletter and I have copied and pasted several sections below. If you want the entire newsletter please let me know. I have added the underlines below. Please note that illegal alien students are being invited to apply for Opportunity Scholarships.

## A letter from the President

Martin Schimpf  
Interim President

### Investing in Inclusion

- We've set aside \$25,000 to be allocated to departments to expand their searches through additional media that will attract a more diverse pool of candidates.
- Student Affairs has committed to providing \$30,000 in annual support for multicultural student events like Pow Wow, Rainbow Graduation, Black Graduation, Project Dream for Tomorrow, and others.
- We recently added a new position in Student Affairs to support first-generation students and students with disabilities.
- We continue to increase financial support for basic needs such as the Food Pantry, housing, emergency mental health, and food insecurity.
- The Graduate College set aside funding for six Graduate Fellowships designed specifically for underrepresented minority students, which are awarded competitively to faculty who successfully recruit these students.

### Expanding Voices Across Campus

- We're working with students and the Boise State Black Alumni chapter, which was recently launched, to gain approval by the Alumni Board, to recruit a sorority and/or fraternity to campus that would focus on the black community.
- We've invited a first-generation student to sit on the student success taskforce, which has developed a plan for closing the success gap for Pell eligible students. The group is currently focused on outreach and support for first-time in college freshmen who live off campus.
- We've added the celebration of Indigenous People's Day to the academic calendar.

## Boosting Diversity in Our Workforce and Student Body

- We're gathering baseline data on the diversity of individual departments and position classification those that are particularly deficient when it comes to the diversity of their employees.
- The State Board of Education has invited DACA students to apply for Opportunity Scholarship fund working on developing a special tuition structure for Native American students. In the future we support this effort with the creation of an American Indian liaison position in Student Affairs.
- We've developed a course on graduate school preparation for underrepresented students, which was initiated in the fall.
- Our Million Dollar scholars program is currently partnering with the Commonwealth Mariana Islands to bring their students to Boise State.
- The university revised its search committee training curriculum to include a section on identifying and addressing implicit bias in hiring decisions.
- Search pools now undergo statistical analysis for assessing the number of underrepresented candidates in the pool. When appropriate, search efforts are extended in order to increase the diversity of the candidate pool.
- Our Bridges to Baccalaureate partnership between CWI and Boise State is specifically aimed at encouraging and supporting underrepresented students in health-related science research fields.

## What's Coming Next

- We've been working with the State Board of Education to create a line item in their legislative budget for starting a Parent's Academy, which would provide knowledge to parents of first generation students about college access and affordability.
- We've implemented an option in our student system that allows students to use their "preferred name" instead of their legal name, and recently vetted the addition of new pronouns in the system with the faculty. In the fall we will develop training for faculty and staff on how to utilize the new pronouns.
- We have further expanded our need-based scholarships for next year.
- We're working to increase access to Experiential Learning by those who can't easily participate because of work or family obligations through programs like alternative breaks, WorkU, internships, and other paid opportunities. Those efforts include direct funding for students to enable their participation.
- The Provost's office will be adding a position dedicated to diversity and inclusion issues that impact students and faculty.
- The Gender Equity Center, Title IX and other campus departments are submitting a proposal to the Department of Justice for funding to provide LGBTQIA+ focused sexual misconduct prevention and response programming.
- Boise State is launching the Gender-Based Violence Community-Coordinated Response Team. The team will bring together university staff and students with community organizations committed to understanding, responding to, and reducing stalking, sexual assault, and relationship violence. The group will identify needs related to gender-based violence and implement preventive measures and responsive interventions that are collaborative, informed, holistic and inclusive. The efforts will complement those of our existing teams, which focuses on case reviews, by initiating efforts to improve system response and prevent future incidents.

instances of gender-based violence.

- A university proposal to the NSF Bridge to Doctorate program is in final stages of review; if funded will create twelve additional doctoral-level graduate assistantships for students from underrepresented groups.
- The Title IX Coordinator joined a statewide committee dedicated to implementing programs to respond to sexual violence in marginalized populations.
- The Gender Equity Center and Title IX Coordinator are working in partnership with the Ada County Violence Court to increase student access to resources in the courts and community.
- University leaders are mapping a path to Boise State becoming an official Hispanic-Serving Institution recognized by the Hispanic Association of Colleges and Universities.

In order for continued structural changes to be effective and sustainable over the long term, they must be instituted and championed by a permanent president — and I have every confidence that Dr. Mendenhall has the background, experience and drive to take Boise State to new levels of diversity and inclusion excellence.

**Fred Birnbaum**

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